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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,483	09/19/2003	Marcia L. Stockton	RSW920030194US1	8859
7590 10/20/2005			EXAMINER	
A. Bruce Clay IBM Corporation T81/503 PO Box 12195 Research Triangle Park, NC 27709			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/666,483	STOCKTON, MARCIA L.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-20, 22-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 8/5/05. Claims 1-10, 12-20 have been amended; claims 11 and 21 have been canceled; and claims 22-23 have been newly added. Currently, claims 1-10, 12-20, 22-23 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 8-9, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall et al. [US 6,415,982 B2-referred as Bridgelall].

Re claims 1-2, 8-9, and 15-16: Bridgelall discloses a system and a method of preparing information usable in theft detection using radio frequency identification (RFID) technology, comprising:

an RF identification (ID) tag 88 affixed to each of one or more items (a shopping tote 86) presented for purchase in a current transaction and wherein the RFID tag 88 contains a purchase information that identifies the shopper or customer (see col. 6, lines 15+), which obviously teaches that the system of Bridgelall includes a means (not specifically shown) for storing the customer identifier in the RFID tag 88 affixed to each of one or more items (the shopping tote 86) presented for purchase in a current transaction prior to placing the shopping tote 86 on a counter 87;

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means (an RFID reader 212, for example, having a processing software therein for executing instruction) for reading a customer identifier (identify the shopper or customer) from the customer loyalty card (i.e., the customer loyalty card is defined as a card 240 having a customer's information, such as a credit, debit, or identification information); and

wherein the card 240 having resonant elements in connection with RF readers, which clearly teaches that an RFID tag affixed to the customer loyalty card (see col. 11, lines 63+).

Bridgelall does not explicitly teach the item-identifying RFID tag can be subsequently be searched to determine whether the at least one items were presented for purchase in the current transaction.

However, Bridgelall teaches that in the system having a hand-held reader 10 with a pair of triggers 71, 72 used to actuate the data collection operation (i.e., reading the symbol 14 and reading the RFID tag 88). Further, Bridgelall teaches the system used with a specific program applications that data record may be accessed by the system and transferred (see col. 7, lines 28+).

Therefore, in view of above discussion, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the RFID tag of Bridgelall is capable of subsequently be searched to determine whether the at least one items were presented for purchase in the current transaction in order to transfer and access the data record in the system.

4. Claims 3-7, 10, 12-14, 17-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall in view of Otto [US 6,554,187-cited by the Applicant]. The teachings of Bridgelall have been discussed above.

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Re claims 3-6, 10, 12-14, and 17-20: Although Bridgelall teaches that the RFID tag (i.e., RFID tag affixed to each item presented for purchase) contains purchase information that identifies the shopper or customer; Bridgelall does not disclose the system comprising a means for concluding that at least some of one or more items possessed by a shopper were not paid if the customer identifier (i.e., purchase information) is not presented in an RFID tag affixed to the item.

Otto discloses a method and a system 10 for detecting and managing RFID tag (RFID label 12 on items brought into a store by the customer, and wherein managing RFID tag includes a means for concluding that at least some of one or more items possessed by a shopper were not paid (stolen) if the purchase information is not presented in an RFID tag affixed to the item (see co. 1, lines 43+ and col. 2, lines 42+). This concluding operation obviously teaches the claimed searching and identifying steps.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teaching of identifying a stolen item brought into the store by a customer, as taught by Otto, into the teachings of Bridgelall in order to identify the stolen item brought into the store by the customer and to alert the store security personnel to tack the person accordingly. Such modification would have provided a system that accurately distinguished the stolen item that are brought into the store, thus, provide the greater improvement in managing the labeled item in the store.

Re claims 7 and 22-23: Bridgelall does not disclose the step of remembering each item that was in the shopper's possession when the shopper entered an establishment in which a transaction represented by the receipt was conducted, and wherein the searching and concluding steps do not apply to the remembered items.

Otto teaches managing RFID labels on items brought into a store by a customer (i.e., when the customer enters an establishment in which a transaction represented by the receipt was conducted) and identify the item as being potentially stolen if the RFID label does not contain purchase information, which obviously requires the step of remembering each item that was in the shopper's possession when the shopper entered an establishment in which a transaction represented by the receipt was conducted. Wherein the system interrogate the RFID label on item in the store, and comparing RFID label information in the RFID label (item in the shopper's possession when the shopper entered the establishment) with the store RFID label information (i.e., searching the store RFID label information that do not apply to the remember items) to determine whether the RFID label is from another store different than the one store (i.e., concluding the store RFID label information that do not apply to the remember items).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the specific steps of searching and concluding that do not apply to the remembered items that are in the shopper's possession in the teaching of Bridgelall in order to accurately distinguished the stolen item that are brought into the store when the shopper entered the establishment and to accurately alert the store security personnel to tack the person accordingly. Such modification would have provided the greater improvement in managing the labeled item in the store.

Response to Arguments

5. Applicant's arguments filed 8/5/05 have been fully considered but they are not persuasive.
6. Applicant argued that Bridgelall does not teach the use of an item-identifying RFID tag (see page 16, lines 16+). The Examiner respectfully disagrees. Although Bridgelall does not

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explicitly point out the use of an item-identifying RFID tag, the RFID tag of Bridgelall is capable of achieving the claimed use of the item-identifying RFID tag. For example, Bridgelall teaches that in the system having a hand-held reader 10 with a pair of triggers 71, 72 used to actuate the data collection operation (i.e., reading the symbol 14 and reading the RFID tag 88). Further, Bridgelall teaches the system used with a specific program applications that data record may be accessed by the system and transferred (see col. 7, lines 28+). Therefore, in view of above discussion, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognize that the RFID tag of Bridgelall is capable of subsequently be searched to determine whether the at least one items were presented for purchase in the current transaction in order to transfer and access the data record in the system.

7. In response to applicant's argument with respect to the Bridgelall cannot be interpreted as teaching that the customer identifier is stored into the RFID tag of the shopping tote (see page 16, lines 19+), the Examiner respectfully disagrees. The RF identification (ID) tag 88 of Bridgelall affixed to each shopping tote 86 is presented for purchase in a current transaction and wherein the RFID tag 88 contains a purchase information that identifies the shopper or customer (see col. 6, lines 15+). This obviously teaches that the system of Bridgelall includes a means (not specifically shown) for storing the customer identifier in the RFID tag 88 affixed to each of one or more items (the shopping tote 86) presented for purchase in a current transaction prior to placing the shopping tote 86 on a counter 87. Accordingly, Applicant's argument on this point is not persuasive.

8. In response to applicant's argument with respect to the neither Bridgelall nor Otto teaches the step of reading a customer identifier from a customer loyalty card possessed by a shopper, the Examiner respectfully disagrees. The Examiner relied on Bridgelall for the teachings of reading a customer identifier from a customer loyalty card possessed by a shopper.

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Bridgelall teaches an RFID reader 212 having a processing software therein for executing instruction for reading a customer identifier (identify the shopper or customer) from the customer loyalty card (i.e., the customer loyalty card is defined as a card 240 having a customer's information, such as a credit, debit, or identification information) and wherein the card 240 having resonant elements in connection with RF readers, which clearly teaches that an RFID tag affixed to the customer loyalty card (see col. 11, lines 63+). Accordingly, Applicant's argument on this point is not persuasive.

Conclusion

9. [Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D.L.